

**ARTICLE 1 TITLE, PURPOSE AUTHORITY AND INTERPRETATION**

**DIVISION 1 GENERAL**

**Section 1.100 Title and Short Title**

These regulations, and all future amendments, shall be known as the Costilla County Land Use Code.

**Section 1.110 Purpose**

A. **General Purposes.** The general purposes of this Land Use Code are:

1. **Protect Quality of Life.** To provide for protection of the public health, safety and welfare of the residents of the County and to protect the environment; to protect and preserve the history and traditions of Costilla County.
2. **Provide for Orderly Development of the County.** To provide for balanced, orderly growth patterns and to provide efficient, phased government services to accommodate existing and future residents.
3. **Preserve Property Values.** To preserve and promote the value of property, to protect the tax base of the County and to respect the property rights of citizens.
4. **Protect and Enhance Agriculture.** To protect and enhance agricultural uses, traditional agricultural practices, and the rural characteristics of the County.

**Section 1.120 Authority and Jurisdiction**

A. **Authority.** It is the intention of the Board of County Commissioners in adopting this Land Use Code to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:

1. **Colorado Constitution.** All of the powers reserved to the County by the Colorado Constitution.
2. **State Enabling Legislation.** All of the powers granted to the County by:
  - a. **Title 30, Article 28, C.R.S.** The provisions of the County Planning Act.
  - b. **Title 29, Article 20, C.R.S.** The provisions of the Local Government Land Use Control Enabling Act of 1974.
  - c. **Title 24, Article 65.1, C.R.S.** The provisions of the Areas and Activities of State Interest Act.

- d. **Title 24, Article 67, C.R.S.** The provisions of the Planned Unit Development Act of 1972.
  - e. **Title 24, Article 68, C.R.S.** The provisions of the Vested Property Rights Act.
3. **All Other Powers Authorized.** All other powers authorized by statute or by common law for the regulation of land uses, land development and the power to abate nuisances.

**B. Jurisdiction.** This Land Use Code shall apply to all land within the unincorporated areas of Costilla County. No land shall be offered for sale, exchange, lease or development, and no building, structure or land shall be used or occupied except in conformance with this Land Use Code. Structures and uses existing on the effective date of this Code shall be permitted to continue, subject to the provisions of Article 6, Nonconformities.

**Section 1.130 Permit Required**

**A. Land Use Permits.** Any change in land use, unless expressly exempt from permit requirements in Section 1.130.D, shall obtain a Land Use Permit before commencing the development or activity associated with the land use change.

**B Levels of Permit Review.** Land Use Permits may be subject to one of the following levels of review.

1. **Administrative Zoning Review.** Certain land use changes require a minimal level of review and can be reviewed administratively as a zoning review in accordance with Section 3.300.

2. **Limited Impact Review.** Certain land use changes, because of their nature or location, will have the potential to cause impacts that warrant review by the Planning Commission in accordance with Section 3.410.

3 **Special Use Review.** Certain land use changes, because of their intensity or location, will have the potential to cause significant impacts that warrant review by the Board of County Commissioners in accordance with Section 3.420.

**C. Permits Run with the Land.** Any Land Use Permit shall be binding upon and run with the land.

**D. Exemptions from Land Use Permit Requirements.** The following uses and activities are exempt from the requirement to obtain a Land Use Permit if the use or activity is proposed for areas of the County that are zoned Agricultural.

- 1. Agricultural operations that do not require a Land Use Permit include:

- a. Production, cultivation, growing, and harvesting of crops and plants, but not including forestry or timbering.
  - b. Raising and breeding livestock, but not including confined animal feedlot operations.
  - c. Harvesting, storage, grading, packaging, processing, distribution, and sale of agricultural commodities occurring at the point of production.
  - d. Construction of sheds, outbuildings and other accessory structures smaller than 120 square feet in size that are necessary to agricultural operations.
- 2. Excavations of less than 100 cubic yards of material that are not located within the Watershed Overlay District do not require a Land Use Permit.
  - 3. One single-family dwelling unit associated with an Agricultural operation that is established in compliance with this Land Use Code does not require a Land Use Permit. (Delete)
  - 4. Accessory Structures smaller than 120 sq. ft. in size that are associated with the exempt uses and activities herein do not require a Land Use Permit.

E. **Violation.** Failure to obtain a Land Use Permit shall be a violation of the Costilla Land Use Code subject to the enforcement provisions in Article 12.

**Section 1.140 Repealer; Re-Enactment; Effective Date**

A. **Repeal of County’s Prior Land Use Regulations.** The 1998 Costilla County Land Use Code is hereby repealed on the date of the County’s adoption of these land use regulations.

B. **Enactment.** This Land Use Code shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Costilla County Planning Commission, following public hearings.

C. **Effective Date.** This Land Use Code shall become effective thirty (30) days following the date of its adoption by the Board of County Commissioners unless adopted as an emergency ordinance necessary for the immediate preservation of public health, safety and welfare.

**Section 1.150 Severability**

A. **Provision Declared Invalid.** If any provision of this Land Use Code is declared invalid by a decision of any court of competent jurisdiction then the effect of such decision shall be limited to that provision which is expressly declared invalid and shall not affect any other provision of this Land Use Code.

B. **Application to Tract of Land Invalid.** If the application of this Land Use Code to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect this Land Use Code or the application of any provision thereof to any other tract of land.

**Section 1.160 Interpretation and Construction**

A. **Minimum Required.** The provisions of this Land Use Code shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.

B. **Liberal Construction.** This Land Use Code shall be liberally construed to further its underlying purposes.

C. **Conflict.** If a conflict occurs between this Code and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in this Code. If this Code imposes a greater restriction than that imposed by a private easement, covenant, agreement, deed restriction, recorded plat or other restrictive covenant, this Code controls.

**Section 1.170 Incorporation and Interpretation of Maps**

A. **Official Zoning District Maps.** The location and boundaries of the zoning districts established by this Code are established pursuant to the plat maps of the Costilla County Assessor to be noted on the map entitled Official Zoning District Plan of Costilla County, Colorado dated May 10, 1996.

B. **County Road Map.** The Costilla County Road inventory and inventory map, as amended, is adopted as the County's official county road map. The County Road map together with the state's public highway system shall constitute the county public streets, roads and access rights-of-way.

C. **District Boundaries.** The location of the zoning district boundary line shall be determined by the Administrator in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first stated and applicable provision shall prevail over all other provisions:

1. Where a zoning district boundary line is given a position within or abutting a highway, road, street or alley right-of-way which does not appear to be located within any zoning district (other than an overlay zoning district), the zoning district boundary line shall be deemed to be in the center of such right-of-way.
2. Where a zoning district boundary line is shown as closely and approximately following subdivision plat lot lines, municipal boundary or county boundary lines, the zoning district boundary line shall be deemed to coincide with such known boundaries.

3. Where a parcel within a zoning district has a boundary line shown by a specific dimension, that dimension shall control.

**Section 1.180 Vested Property Rights.**

A. **Purpose.** The purpose of this Section is to establish a system of vested property rights for this Code as authorized by Article 68 of Title 24, C.R.S, as amended.

B. **Establishment.**

1. **General.** Pursuant to this Code, a vested property right shall be deemed established for a Land Use Permit for a period of three years with the approval of a Site Specific Development Plan. When a Land Use Permit is approved for a Site Specific Development Plan the permit shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the Site Specific Development Plan for a period of three years from the date of its approval.
2. **Site Specific Development Plan.** For the purposes of this Section, Site Specific Development Plan shall only mean:
  - a. A Land Use Permit.
  - b. A Preliminary Plan for PUD.
  - c. A Final Plat for Subdivision or a Cluster Subdivision.

C. **Development Agreements.** The Board of County Commissioners may enter into a development agreement with the landowner for the extension of vested property rights where, in the discretion of the Board, an extension is warranted due to project size and/or phasing of the development. The Board may also consider an extension of Vested Property Rights for economic cycles and/or market conditions.

D. **Approval and Effective Date.** A Site Specific Development Plan shall be deemed approved upon the effective date of the Board of County Commissioners' approval action relating thereto, following a public hearing conducted in accordance with Section 3.240. The Board may approve a Site Specific Development Plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. The approval shall result in a vested property right, although failure to abide by such terms and conditions will result in forfeiture of the vested property right.

E. **Subsequent Review and Approval.** Following approval or conditional approval of a Site Specific Development Plan, the Site Specific Development Plan shall be subject to subsequent reviews by the County to ensure compliance with the terms and conditions of the original approval, if such reviews and approvals are not inconsistent with the terms and conditions of the original approval.

F. **Exceptions.** A vested property right once established pursuant to this Section, precludes any zoning or land use action by the County for a period of three years from the date of approval of the Site Specific Development Plan that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site Specific Development Plan consistent with the terms and conditions of the Site Specific Development Plan, except:

1. **Landowner's Consent.** With the consent of the affected landowner.
2. **Hazards.** Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site Specific Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare.
3. **Just Compensation Paid to Landowner.** To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including but not limited to all fees paid in consideration for financing, and all architectural, planning, marketing, legal and other consultants' fees incurred after approval by the governmental entity, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

G. **Applicability of General Ordinances and Regulations.** The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the County, including but not limited to building, fire, plumbing, electrical and mechanical codes.

